

INDIVIDUAL PRACTICES OF JUDGE WILLIAM C. CONNER

Unless otherwise ordered by Judge Conner, matters before Judge Conner shall be conducted in accordance with the following practices:

1. Communications With Chambers

A. Letters. Copies of letters to chambers shall simultaneously be delivered to all counsel. Copies of correspondence between counsel shall not be sent to the court.

B. Telephone Calls. In addition to Paragraph 1(D) below, telephone calls to chambers are permitted. For matters other than docketing, scheduling or calendaring, call chambers at 914-390-4166.

C. Faxes. Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than 10 pages may be faxed without prior authorization. Do not follow with hard copy. The fax number is 914-390-4170.

D. Docketing, Scheduling, and Calendar Matters. For docketing, scheduling and calendar matters, call 914-390-4166 at any time.

E. Requests for Adjournments or Extensions of Time. All requests for adjournments or extensions of time must state (1) the original date, (2) the number of previous requests for adjournment or extension, (3) whether these previous requests were granted or denied, and (4) whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling Order (reflecting only business days) must be attached. If the request is for an adjournment of a court appearance, absent an emergency it shall be made at least 48 hours prior to the scheduled appearance.

2. Motions

A. Pre-Motion Conferences in Civil Cases. For discovery motions, follow Local Civil Rule 37.2. For motions other than discovery motions, a pre-motion conference with the court is required before making any motion, except a motion for admission

INDIVIDUAL PRACTICES OF JUDGE WILLIAM C. CONNER

pro hac vice. To arrange a pre-motion conference, the moving party may call chambers or submit a letter not to exceed three pages in length setting forth the basis for the anticipated motion.

B. Courtesy Copies. Courtesy copies of all motion papers, marked as such, should be submitted for chambers. **Original** documents, with proof of service on opposing counsel, shall be filed with the Clerk's Office.

C. Memoranda of Law. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

D. Oral Argument on Motions. Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

E. Federal Rule of Appellate Procedure 4(a)(4)(A). Paragraph A above does **NOT** apply to any of the motions described in Federal Rule of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.

3. Pretrial Procedures

A. Joint Pretrial Orders in Civil Cases. Pretrial orders are not required unless specifically directed by the court in a particular case.

B. Preparation of Cases for Trial.

1) Jury Selection. The Federal Courthouse in White Plains selects jury panels on the **first** and **second** Monday of the month during which the trial(s) will commence. A Magistrate Judge may be assigned to select jury panels. Chambers will notify counsel by mailing a copy of the "so ordered" Order of Reference to a Magistrate Judge. For further information, please contact the appropriate Magistrate Judge's chambers.

INDIVIDUAL PRACTICES OF JUDGE WILLIAM C. CONNER

2) **At Least One Week Before Trial.** Counsel for each of the parties should file the **original**, with proof of service on opposing counsel where appropriate, with the Clerk's Office, 300 Quarropas Street, Main Floor, White Plains, **with a courtesy copy to chambers**, Room 630, of the following:

- a) A statement of agreed facts. Counsel should attempt to resolve all differences involving only choice of language and to separate out all portions not in dispute in order to minimize the area of disagreement.
- b) In jury cases, proposed charges with supporting legal citations. (If desired, proposed voir dire questions for prospective jurors and proposed special verdict forms may also be submitted at least one day prior to jury selection.)
- c) In non-jury cases, proposed findings of fact and conclusions of law, with supporting legal citations.
- d) In non-jury cases, a brief summary of the salient portions of each deposition to be offered in evidence. Counter-summaries of opposing counsel may be filed at any time up to the end of trial or the time of filing post-trial briefs, if any. The summaries and counter-summaries will supplant the reading of depositions at the trial.

3) **By the Friday Preceding the Trial Date.** All exhibits should be pre-marked in the order in which they are expected to be used (using numerals for plaintiff's exhibits and letters for defendant's exhibits). Each party shall serve on each opposing party:

INDIVIDUAL PRACTICES OF JUDGE WILLIAM C. CONNER

- a) A complete set of the documentary exhibits.
- b) A complete list of the names and addresses of witnesses. Expert witnesses should be designated as such and their areas of expertise indicated. Each side may utilize only one expert witness in any area of expertise.

4) **At the Beginning of the Trial.** The following should be handed to the Courtroom Deputy Clerk for the Judge:

- a) A complete set of documentary exhibits.
- b) A copy of the list of witnesses.
- c) A list of all exhibits. An extra copy of the list of exhibits should be handed to the Courtroom Deputy Clerk.
- d) In non-jury cases, a copy of the deposition summaries.

4. Instructions for Seeking a Default Judgment

Judge Conner requires that a party who wishes to obtain a default judgment proceed by way of an Order to Show Cause. Accordingly, a party seeking a default judgment should follow this procedure:

A. Prepare an Order to Show Cause. Prepare an Order to Show Cause for default judgment. Make the Order returnable to a conference before Judge Conner. Leave blank the date, time and room where the conference will be held. Judge Conner will set the date, time and room when he signs the Order.

B. Supporting Papers. Attach the following supporting papers to the Order to Show Cause:

INDIVIDUAL PRACTICES OF JUDGE WILLIAM C. CONNER

- 1) an attorney's affidavit stating why a default judgment is appropriate;
- 2) a proposed default judgment;
- 3) copies of all of the pleadings;
- 4) a copy of the affidavit of service of the original summons and complaint; and
- 5) a Certificate from the Clerk of the Court stating that no answer has been filed.

C. Approval. Take the Order to Show Cause with the attachments to the Clerk's Office, 300 Quarropas Street, Main Floor, White Plains, for approval.

D. Judge's Signature. After the Order to Show Cause has been approved by the Clerk's Office, bring it to chambers, Room 630, for Judge Conner's signature.

E. Service. After Judge Conner signs the Order, make two conforming copies of the Order and the attachments. Leave one copy with chambers and serve one on the defendant.

F. Filing. File the original Order to Show Cause in the Clerk's Office together with an affidavit of service of a conformed copy of the Order on the defendant.

G. Conference/Proposed Default Judgment. Appear at the conference on the return date with a proposed default judgment. The proposed default judgment must be approved by the Clerk's Office, 300 Quarropas Street, Main Floor, **prior to the conference.**

If you have any questions about these procedures, you may call chambers at 914-390-4166.